

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

v.

**Civil Action No. 5:21-cv-00181
Honorable Frank W. Volk**

**LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision, JEFF
MCPEAKE, individually, BRIAN WHITE,
individually, BOBBY STUMP,
individually,**

Defendants.

We, the jury, unanimously find as follows:

1. Do you find by a preponderance of the evidence that Louis E. Goldston is entitled to the protection of Judicial Immunity with regard to the claims asserted by Mr. Gibson?

Yes

No

2. Do you find by a preponderance of the evidence Jeff McPeake, Brian White, and Bobby Stump are entitled to the protection of Qualified Immunity with regard to the claims asserted by Mr. Gibson?

Yes

No

[If your response to Questions No. 1 and 2 were “yes” then you do not need to respond to any

other questions and the Foreperson should sign the form below and notify the Court that you have completed your work. If your response to Questions No. 1 and 2 were “no” then you should proceed to Question No. 3.]

3. Do you find by a preponderance of the evidence that Louise E. Goldston violated Mr. Gibson’s Fourth Amendment Right regarding search and seizure?

Yes

No

4. Do you find by a preponderance of the evidence that Jeff McPeake violated Mr. Gibson’s Fourth Amendment Right regarding search and seizure?

Yes

No

5. Do you find by a preponderance of the evidence that Brian White violated Mr. Gibson’s Fourth Amendment Right regarding search and seizure?

Yes

No

6. Do you find by a preponderance of the evidence that Bobby Stump violated Mr. Gibson’s Fourth Amendment Right regarding search and seizure?

Yes

No

7. Do you find by a preponderance of the evidence that Raleigh County Commission had an official custom or policy that violated Mr. Gibson's Fourth Amendment Right regarding search and seizure?

Yes

No

8. Do you find by a preponderance of the evidence that Louise E. Goldston violated Mr. Gibson's First Amendment Right regarding Freedom of Speech?

Yes

No

9. Do you find by a preponderance of the evidence that Jeff McPeake violated Mr. Gibson's First Amendment Right regarding Freedom of Speech?

Yes

No

10. Do you find by a preponderance of the evidence that Brian White violated Mr. Gibson's First Amendment Right regarding Freedom of Speech?

Yes

No

11. Do you find by a preponderance of the evidence that Bobby Stump violated Mr. Gibson's First Amendment Right regarding Freedom of Speech?

Yes

No

12. Do you find by a preponderance of the evidence that Louise E. Goldston violated Mr. Gibson's Fourteenth Amendment Due Process right?

Yes

No

13. Do you find by a preponderance of the evidence that Louise E. Goldston violated Mr. Gibson's Fourteenth Amendment Equal Protection right?

Yes

No

[If your Answer to Questions 3 through 13 were "No" then you have completed your work. If your Answer to Questions 3 through 13 were "Yes" then you should proceed to Question No. 14. You may only respond to Questions 14 and 15 if your Answer to Questions 3, 8, 12, or 13 were "Yes." You may only respond to Questions 14 and 15 if your Answer to Questions 3, 8, 12, or 13 were "Yes."]

14. Do you find by a preponderance of the evidence that Mr. Gibson suffered damages as a result of the conduct of Louise E. Goldston?

Yes

No

[If your Answer to Question 14 was "Yes" then you may proceed to Question 15. If your Answer to Question 14 was "No" then you do not respond to Question 15]

15. We, the jury, assess damages to Mr. Gibson, for full and fair compensation for the

damages that he proved by a preponderance of the evidence that are proximately related to the use of force.

- A. 4th Amendment Violation [only if you responded “Yes” to Question 3.] \$ _____
- B. 1st Amendment Violation [only if you responded “Yes” to Question 8.] \$ _____
- C. 14th Amendment Violation of Due Process [only if you responded “Yes” to Question 12.] \$ _____
- d. 14th Amendment Violation of Equal Protection [only if you responded “Yes” to Question 13.] \$ _____

[If your Answer to Questions 3 through 13 were “No” then you have completed your work. If your Answer to Questions 3 through 13 were “Yes” then you should proceed to Question No. 16. You may only respond to Question 16 and 17 if your Answer to Questions 4 or 9 were “Yes.” You may only respond to Questions 16 and 17 if your Answer to Question 4 or 9 were “Yes.”]

16. Do you find by a preponderance of the evidence that Mr. Gibson suffered damages as a result of the conduct of Jeff McPeak?

Yes

No

[If your Answer to Question 16 was “Yes” then you may proceed to Question 17. If your Answer to Question 16 was “No” then you do not respond to Question 17]

17. We, the jury, assess damages to Mr. Gibson, for full and fair compensation for the damages that he proved by a preponderance of the evidence that are proximately

related to the use of force.

- A. 4th Amendment Violation [only if you responded
“Yes” to Question 3.] \$ _____
- B. 1st Amendment Violation [only if you responded
“Yes” to Question 8.] \$ _____

[If your Answer to Questions 3 through 13 were “No” then you have completed your work. If your Answer to Questions 3 through 13 were “Yes” then you should proceed to Question No. 16. You may only respond to Question 18 and 19 if your Answer to Questions 5 or 10 were “Yes.” You may only respond to Questions 18 and 19 if your Answer to Question 4 or 9 were “Yes.”]

18. Do you find by a preponderance of the evidence that Mr. Gibson suffered damages as a result of the conduct of Brian White?

Yes

No

[If your Answer to Question 18 was “Yes” then you may proceed to Question 19. If your Answer to Question 18 was “No” then you do not respond to Question 19]

19. We, the jury, assess damages to Mr. Gibson, for full and fair compensation for the damages that he proved by a preponderance of the evidence that are proximately related to the use of force.

- A. 4th Amendment Violation [only if you responded
“Yes” to Question 3.] \$ _____
- B. 1st Amendment Violation [only if you responded
“Yes” to Question 8.] \$ _____

[If your Answer to Questions 3 through 13 were “No” then you have completed your work. If your Answer to Questions 3 through 13 were “Yes” then you should proceed to Question No. 20. You may only respond to Question 20 and 21 if your Answer to Questions 6 or 11 were “Yes.” You may only respond to Questions 20 and 21 if your Answer to Question 6 or 11 were “Yes.”]

20. Do you find by a preponderance of the evidence that Mr. Gibson suffered damages as a result of the conduct of Bobby Stump?

Yes

No

[If your Answer to Question 20 was “Yes” then you may proceed to Question 21. If your Answer to Question 20 was “No” then you do not respond to Question 21]

21. We, the jury, assess damages to Mr. Gibson, for full and fair compensation for the damages that he proved by a preponderance of the evidence that are proximately related to the use of force.

- A. 4th Amendment Violation [only if you responded “Yes” to Question 3.] \$ _____
- B. 1st Amendment Violation [only if you responded “Yes” to Question 8.] \$ _____

[If your Answer to Questions 3 through 13 were “No” then you have completed your work. If your Answer to Questions 3 through 13 were “Yes” then you should proceed to Question No. 7. You may only respond to Question 22 and 23 if your Answer to Question 7 was “Yes.” You may only

respond to Questions 22 and 23 if your Answer to Question No. 7 was “Yes.”]

22. Do you find by a preponderance of the evidence that Mr. Gibson suffered damages as a result of the conduct of the Raleigh County Commission?

Yes

No

[If your Answer to Question 22 was “Yes” then you may proceed to Question 23. If your Answer to Question 22 was “No” then you do not respond to Question 23]

23. We, the jury, assess damages to Mr. Gibson, for full and fair compensation for the damages that he proved by a preponderance of the evidence that are proximately related to the use of force.

A. 4th Amendment Violation [only if you responded
“Yes” to Question 3.] \$ _____

You have now completed your work. The Foreperson should sign the verdict form and notify the Court you are ready to report.

FOREPERSON

DATE

**Louise E. Goldston,
By Counsel,**

/s/ Jennifer E. Tully

Jennifer E. Tully (WV Bar #9356)

Adam K. Strider (WV Bar #12483)

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Defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the “**VERDICT FORM**” for was electronically filed with the Clerk of the Court using the Court’s Electronic Case Filing (CM/ECF) system, which will send notification of such filing to the following on this day, July 11, 2022:

J. Victor Flanagan
Kevin J. Robinson
Pullin Fowler Flanagan Brown & Poe, PLLC
252 George Street
Beckley, WV 25801
*Attorney For: Raleigh County Commission,
Bobby Stump, Brian White, Jeff McPeake*

John H. Bryan
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Attorney For: Matthew Gibson

/s/ Jennifer E. Tully

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